

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

LARRY E. EDMONDS)	
)	
Plaintiff,)	
)	
v.)	CIV. NO. 3:05-CV-387
)	(PHILLIPS/GUYTON)
)	
JO ANNE B. BARNHART)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER OF REMAND UNDER SENTENCE FOUR
OF 42 U.S.C. § 405(g)

Pursuant to the power of this Court to enter a judgment affirming, modifying or reversing the Commissioner's decision with remand in Social Security actions under **sentence four** of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), and in light of the parties' motion to remand this action, this Court now, upon substantive review, hereby enters a judgment under sentence four of 42 U.S.C. § 405(g) reversing the Commissioner's decision with a remand of the cause to the Commissioner according to the following terms. See Shalala v. Schaefer, 509 U.S. 292, 296, 113 S. Ct. 2625, 2629 (1993); Melkonyan v. Sullivan, 501 U.S. 89, 97-98, 111 S. Ct. 2157, 2163 (1991).

On remand, the Appeals Council will remand this case to an Administrative Law Judge (ALJ), who will evaluate Plaintiff's mental status pursuant to 20 C.F.R. § 404.1520a and will evaluate all of the record and medical evidence, including Plaintiff's mental health progress reports. If a fully favorable decision can be rendered by the ALJ based upon a review of the updated record without the benefit of additional testimony, then a hearing will not be necessary.

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Otherwise, the ALJ will conduct a supplemental hearing where Plaintiff will be allowed to present any additional evidence and will be afforded the opportunity to testify. The ALJ will then issue a new decision.

The Clerk of the Court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

Thomas H. Phillips

U. S. District Judge

Proposed by:

s/Loretta S. Harber
LORETTA S. HARBER (BP #007221)
Assistant U.S. Attorney
800 Market Street, Suite 211
Knoxville, TN 37902
(865)545-4167